

**ORDINANCE NO. 12-86**

ORDINANCE REZONING FROM R-1 (ONE FAMILY RESIDENTIAL DISTRICT) TO R-O (RESIDENTIAL OFFICE DISTRICT) ACCORDING TO THE SITE PLAN PREPARED BY RAFAEL DROZ-SEDA, P.E. DATED OCTOBER 1, 2012 AND GRANTING A VARIANCE PERMIT TO ALLOW A LOT WIDTH OF 52.5 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, TO ALLOW A TOTAL LOT AREA OF 6,877 SQUARE FEET, MORE OR LESS, WHERE AT LEAST 7,500 SQUARE FEET IS REQUIRED, AND TO ALLOW A TWO-WAY DRIVEWAY OF 9 FEET IN WIDTH, WHERE A MINIMUM WIDTH OF 20 FEET IS REQUIRED, CONTRA TO HIALEAH CODE §§ 98-779 AND 98-2188. **PROPERTY LOCATED AT 174 EAST 49 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of November 14, 2012 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby rezoned from R-1 (One Family Residential District) to R-O (Residential District) according to the site plan prepared by Rafael Droz-Seda, P.E., dated October 1, 2012 and is hereby granted a variance permit to allow a lot width of 52.5 feet, where a minimum average width of 75 feet is required, to allow a total lot area of 6,877 square feet, more or less, where at least 7,500 square feet is required, and to allow a two-way driveway of 9 feet in width, where a minimum width of 20 feet is required, contra to Hialeah Code §§ 98-779 and 98-2188 which provide in pertinent part: "In the RO residential office district, the minimum lot area shall be 7,500 square feet with an average minimum depth of 100 feet and an

average minimum width of 75 feet.” and “(a) *Accessibility*. Minimum width of driveways or accesses shall be as follows: ...b. Driveways: One-way direction 10 (feet) Two-way direction 20 (feet)”, respectively. Property located at 174 East 49 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE WEST 525.38 FEET, LESS THE WEST 472.88 FEET OF THE NORTH ½ OF TRACT 3, LESS THE NORTH 7 FEET THEREOF, WEST MIAMI HEIGHTS SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.** Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

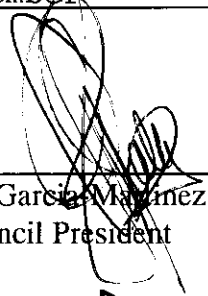
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

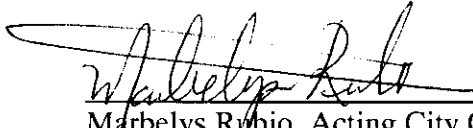
PASSED and ADOPTED this 11 day of December, 2012.

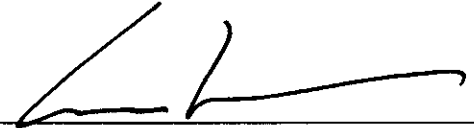
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 13 day of Dec, 2012.

  
\_\_\_\_\_  
Marbelys Rubio, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".